

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF Confirmation No.: 4293
SCHREIBER Atty. Ref.: 555-56
Serial No.: 09/535,951 Group Art Unit: 1617
Filed: March 27, 2000 Examiner: Hui, S.
For: METHOD OF TREATING ATHEROSCLEROSIS

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June 23, 2004

AMENDMENT UNDER RULE 116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated
March 23, 2004, in the above matter. Kindly amend this
application as follows.

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teaching the importance of angiogenesis in pathogenesis, as the Examiner contends.

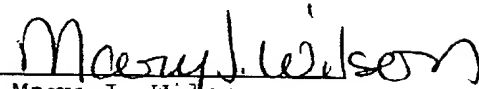
In view of the facts that: i) the teachings of Clark are limited to ocular neovascularization, and ii) Pels et al does not teach that angiogenesis is involved in the pathogenesis of atherosclerotic plaque, the Examiner's rejection of the claims as obvious must fail. Indeed, it is apparent that the rejection is not fairly based on what the cited references teach or would have suggested but rather on improper hindsight-based reasoning having in mind the present invention. Accordingly, reconsideration and withdrawal of the rejection are requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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By



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